

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUSTIN VALENCIA, *on behalf of himself and  
all others similarly situated*,

Plaintiff,

-against-

TOTAL GYM FITNESS, LLC,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 11/18/2024

24-cv-6574 (MKV)

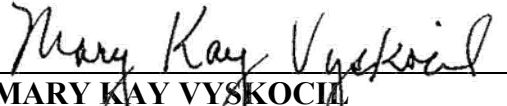
ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter from Plaintiff informing the Court that the parties have reached a settlement in principle [ECF No. 10]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in writing and as long as the application to restore the action is made by December 18, 2024. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004). All other dates and deadlines are adjourned *sine die*.

**SO ORDERED.**

**Date: November 18, 2024  
New York, NY**

  
MARY KAY VYSKOCIL  
United States District Judge